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NO. 1218

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1965

THE STATE OF TEXAS, ~~et al.,~~

Appellants

vs.

UNITED STATES OF AMERICA,

Appellee

On Appeal from the United States District Court for the Western District of Texas, Austin Division

MOTION FOR EXPEDITIOUS TREATMENT

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MOTION FOR EXPEDITIOUS TREATMENT

In the Jurisdictional Statement which the State of Texas has filed in this cause, it is pointed out that the effective date of the voter registraton system for elections held on or after February 1, 1967, enacted at a recent special session of the Texas Legislature following the decision of the District Court in this cause, is contingent on action taken by this Court on appeal of the cause. The period for annual registration under the recently enacted legislation (Senate Bill No. 1, Acts of the 59th Legslature, 1st Called Session, passed on February 23, 1966, and approved by the Governer on

February 24, 1966; not yet published)[1] is the same as it has been in the past—from October 1 through January 31. It therefore becomes important, in order for the State of Texas to have a valid and adequate system of registration for the elections to be held in 1967, that this appeal be disposed of before the adjournment of the current term on June 30, 1966.

The Travis County Republican Executive Committee and Robert G. Farris, two of the defendants in the

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[1]Section 6 of S.B. No. 1 provides that the permanent provisions of the bill shall become effective "if the Supreme Court of the United States affirms or refuses to review the judgment of the United States District Court for the Western District of Texas, Austin Division, in Civil Action No. 1570, styled United States of America v. The State of Texas, et al., or if by other action taken upon appeal of that case the Supreme Court rules that the provisions of the Constitution and statutes of this State requiring payment of a poll tax as a condition for voting in state and local elections are in violation of the Constitution of the United States." The date on which the provisions will take effect is stated as follows:

> "(d) if the second contingency [affirmance on appeal] occurs prior to the one first stated [adoption of proposed amendment to the Texas Constitution, abolishing payment of the poll tax as a condition for voting], the Attorney General of Texas shall certify its occurrence to the Governor and to the Secretary of State of the State of Texas, and the Governor forthwith shall issue his proclamation declaring that Sections 1 through 4 of this Act will take effect as stated herein, and shall file the proclamation with the Secretary of State; whereupon Section 2 of this Act shall become effective on the date that the Governor's proclamation is filed, or on October 1, 1966, whichever is the later date; and Sections 1, 3, and 4 shall become effective on February 1, 1967, or on the effective date of the injunctive order, whichever is the later date."

Sections 1, 3, and 4 of S.B. No. 1 pertain to voting qualifications and procedures, and Section 2 contains the provisions for registration of voters. Section 43a of the Texas Election Code, as contained in Section 2 of S.B. No. 1, reads as follows:

lower court, filed a Notice of Appeal on February 11, 1966, and in this motion it is assumed that any Jurisdictional Statement on behalf of these appellants will be filed not later than April 12, 1966. No other parties are appealing from the judgment of the District Court.

Appellant the State of Texas hereby waives the right to file a brief, as provided in Paragraph 3 of Rule 16, Rules of the Supreme Court, in opposition to whatever motion the appellee may file in response to the Jurisdictional Statement filed by the State of Texas, and requests that the time for filing a brief by any other party in opposition to the motion to affirm or dismiss be reduced if the Court deems that a reduction is necessary in order to give the Court ample time for final action on the appeal before adjournment of the term. Appellant also requests that the time for filing appellee's motion to affirm or dismiss, and for any other action which either party might be entitled to take, be

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"43a. Annual registration; period for registration; period for which registration is effective

"Voters shall register annually. The first period for registration under this law shall begin in each county immediately upon the effective date of this Section and shall end on the thirty-first day of January following; provided, however, that if this Section takes effect after January 1, 1967, as the result of a court decision, the registration period shall continue through the thirtieth day following the effective date. In each year thereafter, the period for registration shall be from the first day of October through the thirty-first day of January following. The first registration hereunder shall entitle the registrant, if otherwise qualified, to vote at elections held between the first day of February following the registration period and the last day of February of the following year. Each annual registration thereafter shall entitle the registrant, if otherwise qualified, to vote at elections held during the period of one year beginning on the first day of March following the registration period."

reduced if necessary to the accomplishment of that end.

Respectfully submitted,

WAGGONER CARR
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HAWTHORNE PHILLIPS
First Assistant Attorney
General of Texas

MARY K. WALL
Assistant Attorney General

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Capitol Station
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Attorneys for the State of Texas

PROOF OF SERVICE

I, Hawthorne Phillips, one of the attorneys for the State of Texas, appellant herein, and a member of the Bar of the Supreme Court of the United States, hereby certify that on the 11th day of April, 1966, I served copies of the foregoing Motion for Expeditious Treatment on the several parties thereto, by mailing a copy in a duly addressed envelope, with first class postage prepaid, to each of the following Attorneys of Record in this cause:

Honorable Thurgood Marshall
Solicitor General
Department of Justice
Washington, D. C.
Counsel for Appellee

Honorable Ernest Morgan
United States Attorney
Federal Building
San Antonio, Texas
Counsel for Appellee

Honorable Stephen J. Pollak First Assistant, Civil Rights Section Department of Justice Washington, D. C.	Counsel for Appellee
Honorable Tom Gee Attorney at Law Austin National Bank Building Austin, Texas 78701 and Honorable John E. Clark Attorney at Law Capital National Bank Building Austin, Texas 78701	Counsel for Appellant Travis County Republican Executive Committee
Honorable Trueman O'Quinn Attorney at Law Perry-Brooks Building Austin, Texas 78701	Counsel for Defendant Travis County Democratic Executive Committee
Honorable Kenneth Jones Honorable Dudley Fowler Assistant City Attorneys Municipal Building Austin, Texas 78701	Counsel for Defendants Mayor of Austin, Presiding Judge and Associate Judge of Election Precinct Number 239 of Travis County, Texas
Honorable Wallace Shropshire County Attorney Travis County Courthouse Austin, Texas 78701	Counsel for Defendant Travis County Tax Assessor-Collector

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HAWTHORNE PHILLIPS